WHO MUST PAY THE TAX?

You must be licensed and pay tax if you are in the business of leasing, licensing-for-use or renting commercial real property located within Tempe. The entity leasing or renting to the tenant in actual possession is responsible for the tax.

Examples include: office buildings, stores, warehouses, factories, churches, vacant land, parking lots, banquet halls, meeting rooms, and storage facilities (e.g. mini-storage).

LICENSE REQUIREMENTS

Owners of commercial rental properties are required to obtain and maintain a privilege (sales) tax license.

A separate license is required for each non-residential rental property.

The license must be maintained in the exact name of the legal owner of the property. Any changes in legal ownership requires a new license within 30 days of the change in ownership.

Commerical and residential properties may not be maintained on the same license; separate licenses are required.

WHAT IS THE TAX RATE?

The City's tax rate is 1.8%

WHEN IS THE TAX DUE?

Your tax return and payment is due on the 20th day of the month following the reporting period.

FOR ADDITIONAL INFORMATION

Call: (480) 350-2955

Visit the Tax & License Web Page at: www.tempe.gov/salestax

Email:

rent@tempe.gov

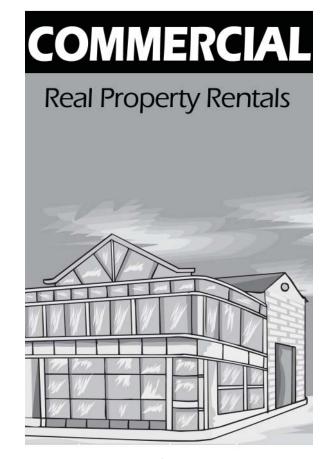
Write or Visit: City of Tempe Tax & License Division 20 E. 6th Street, 3rd Floor Tempe, AZ 85281

Hours:

Monday – Friday 7 a.m. – 5 p.m.

This publication is for general information only. Please refer to the City of Tempe Code for complete information.

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City of Tempe Privilege (Sales) Tax



WHAT IS TAXABLE?

All amounts paid by the renter to, or on behalf of, the owner are taxable.

In addition to rent, taxable income includes payments by the tenant for:

- Common area maintenance (CAM)
- Telecommunications (cable TV, phone, internet)
- Non-refundable deposits
- Forfeited deposits
- Utilities
- Landscape maintenance
- Association fees
- Late fees, court fees and legal fees
- Repairs and/or tenant improvements
- Property taxes

Rents received from non-profit organizations and government agencies are taxable.

DEDUCTIONS FROM INCOME

The Tempe privilege tax is calculated on your gross receipts. It is not a tax on your net income. Expenses are not deductible.

The following items may be taken as a deduction on your tax return when they are <u>included</u> in the gross reported receipts:

City privilege and County excise tax collected or factored

- Bad debts on which tax was paid on a previous return
- Refundable security deposits, unless they are retained
- Utility charges, only if individual utility meters have been installed and each tenant pays the exact amount billed by the utility company

The following expenses paid by the owner or tenant are NOT allowable deductions:

- Repairs, landscape maintenance or other service labor
- Common area maintenance fees
- Property taxes

RELATED PARTIES

Individuals, corporations or other entities that own commercial property and provide "free use" of space to a related party are subject to the City's privilege tax based upon the "fair market value" of the space provided. (Some affiliated corporations are excluded. Contact Tax and License for details.)

For example, if an individual holds title to a warehouse in his name and the warehouse is occupied by a corporation or LLC of which he is an owner or member, it is a taxable situation. Taxable rents are imputed at the estimated fair market value of the space occupied.

Mortgage payments and property taxes paid by a tenant on behalf of a related party are taxable to the owner as rents received.

LICENSING-FOR-USE

When an agreement is made to provide commercial space without the full rights to a lease, it is considered licensing-for-use of space and is taxable. For example, commissions received for licensing space for vending machines, games or pay phones are considered to be licensing-for-use of real property and are taxable.

SUBLEASING

Income from subletting of property is taxable. For example, a retailer who leases a building and then sublets a portion of the space to another retailer for the right to occupy a section of the premise is subject to tax.

CALCULATING THE FACTORED TAX DEDUCTION

If you include tax in your rent (no separate charge for tax), you may compute the amount of tax included in your gross income for deduction purposes in the following manner:

Gross X Factor = Factored Tax Income Rate Deduction

Example: \$1.000 X 0.02248 = \$22.48